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Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 4	3
II.	LAW OF THE SEA ISSUES AT THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY	5 - 31	3
	A. The General Assembly debate	5 - 10	3
	B. Role of the Secretary-General's annual report to the General Assembly	11 - 14	5
	C. Status of the Convention and its implementation by States	15 - 16	5
	D. The 1995 Agreement on fish stocks	17 - 18	6
	E. Other issues in the conservation and management of marine living resources	19 - 22	6
	F. Setting up institutions created by the Convention	23 - 25	7
	G. Special issues	26 - 30	7
	H. Work of the Division for Ocean Affairs and the Law of the Sea	31	8

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CONTENTS (continued)

	Paragraphs	Page
III. IMPORTANT DEVELOPMENTS AND EMERGING ISSUES	32 - 47	8
A. Institutional questions	32 - 39	8
1. Regular and periodic review of ocean issues ...	32 - 36	8
2. Inter-agency cooperation	37 - 39	9
B. Emerging issues	40 - 47	10
1. Protection of the underwater cultural heritage	40	10
2. Marine and coastal biodiversity	41 - 46	10
3. Rules of origin	47	12
IV. CONCLUSIONS AND SUGGESTIONS	48 - 55	12
Annex. List of main documents		16

I. INTRODUCTION

1. The United Nations Convention on the Law of the Sea, in its article 319 (2) (a), requires the Secretary-General to report to all States Parties, the International Seabed Authority and competent international organizations on issues of a general nature that have arisen with respect to the Convention. In accordance with article 319 (3), such reports are to be transmitted also to those States which are listed in article 156 as observers of the Authority.

2. Consequent upon the entry into force of the Convention, the General Assembly, at its forty-ninth session, requested the Secretary-General to fulfil this reporting function, and suggested that the comprehensive annual report of the Secretary-General on developments relating to the law of the sea, prepared for the General Assembly, could serve as a basis for such reports (resolution 49/28, para. 15 (a)). Attention is therefore drawn to the most recent report on the law of the sea, dated 1 November 1995. 1/

3. The purpose of the present report is to provide a short summary of main current developments, including consideration of the item "Law of the sea" and related matters at the fiftieth session of the General Assembly and in other intergovernmental forums. The attention of States Parties, the Authority and competent international organizations is drawn, in accordance with article 319 (2) (a), to certain issues which have arisen and which warrant their consideration.

4. For the convenience of Governments and international organizations, a list of the main current documentation of the United Nations relating to the law of the sea is contained in the annex to the present report.

II. LAW OF THE SEA ISSUES AT THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY

A. The General Assembly debate

5. It will be recalled that, at its forty-ninth session, following the entry into force of the Convention, the General Assembly first explicitly confirmed its role as the global forum competent to review overall developments relating to the law of the sea (resolution 49/28, preamble). Furthermore, at the fiftieth session, all issues relating to the effective implementation of the Convention on the Law of the Sea were for the first time considered together. This required reallocation of certain items dealing with marine fisheries, previously subsumed under the Second Committee item on "Environment and sustainable development", to be joined with the "Law of the sea" item in the plenary. In the future, these items and other such relevant issues are expected to form part of the General Assembly item "Law of the sea". The Secretary-General commends this development, convinced that a unified debate will promote the effective implementation of the Convention, as well as allow greater efficiency in the conduct of his responsibilities in this field. This

development also contributes to current efforts to rationalize the work of the Assembly.

6. Documentation before the fiftieth session consisted of the comprehensive annual report of the Secretary-General on the law of the sea; 1/ his report on the outcome of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks; 2/ and three reports on the issues of large-scale drift-net fishing, unauthorized fishing, and fisheries by-catch and discards respectively. 3/ A number of delegations also submitted documentation dealing with such important current concerns as passage through international straits (see annex).

7. Discussions took place at the 80th and 81st plenary meetings, on 5 December; the main elements of these discussions are summarized below. Resolution 50/23 on the law of the sea was adopted by a vote of 132 to 1, with 3 abstaining. Resolution 50/24 on the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 Agreement on fish stocks), and resolution 50/25 on drift-net fishing, unauthorized fishing and fisheries by-catch and discards, were both adopted without a vote.

8. Important administrative elements of resolution 50/23 include: continued funding from the regular budget of the United Nations to cover the administrative expenses of the International Seabed Authority, 4/ and continuation of the existing interim secretariat until the Secretary-General of the Authority is able to assume effectively the responsibility of its secretariat. The provision of services to the Authority and to the Meetings of States Parties in 1996 was also approved, noting the intention to adopt an initial budget for the International Tribunal for the Law of the Sea and to provide for its efficient functioning, as well as to prepare for the establishment of the Commission on the Limits of the Continental Shelf. 5/

9. In paragraph 10 of resolution 50/23 the General Assembly reaffirmed its basic policy objective - and therefore a fundamental component of planning and programming by the Organization in law of the sea and ocean affairs - namely, that of "ensuring the uniform and consistent application of the Convention and a coordinated approach to its effective implementation". The Secretary-General in his report to the fiftieth session had drawn particular attention to the need for Governments to monitor law of the sea issues as they arose in the deliberations of many intergovernmental bodies, and to support the harmonized development of international law and policy within the framework provided by the Convention.

10. The debate in the General Assembly focused on the role of the Secretary-General's report to the Assembly; the status of the Convention and its implementation; the new Agreement on fish stocks; the other issues affecting the conservation and management of marine living resources, including regional cooperation; the setting up of institutions under the Convention; several special issues; and the work of the Division for Ocean Affairs and the Law of the Sea.

B. Role of the Secretary-General's annual report to the General Assembly

11. The annual report of the Secretary-General on the law of the sea covers all developments pertaining to the Convention, including the institutions established by the Convention, as well as other developments in the field of ocean affairs. It also serves as a report on the work of the Organization, and of the United Nations system as a whole, in the field of ocean affairs. The report thus provides the necessary basis for the "annual consideration and review of the overall developments relating to the law of the sea by the General Assembly, as the global institution having the competence to undertake such a review" (General Assembly resolution 49/28, preamble).

12. The report for 1995 drew the particular attention of Member States to such significant developments as the increased acceptance of the Convention following upon the adoption of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (1994 Agreement on Part XI), and to very important new advances in international law and policy, particularly in the fields of environmental protection and fisheries management and conservation, most particularly to the 1995 Agreement on fish stocks and to the Code of Conduct for Responsible Fisheries, which was subsequently adopted by the Conference of the Food and Agriculture Organization of the United Nations (FAO) in October 1995.

13. The report also drew attention to the need for Governments to monitor law of the sea issues as they arose in the deliberations of many intergovernmental forums and to ensure that there was consistency in their conduct. 6/

14. The General Assembly debate has become increasingly dependent on having an overview of developments as provided in the report of the Secretary-General. At the fiftieth session, various speakers emphasized that the report was an important vehicle for conveying to the world at large, and to the General Assembly in particular, the nature and extent of current developments. It should be a priority for the Secretary-General, therefore, to ensure that these reports continue to deal with all relevant developments in a comprehensive way. Considerable emphasis was placed on having the report available well before the debate, and on the inclusion of suggestions for possible actions, whether by States, the Organization, competent international organizations or indeed by the entire United Nations system.

C. Status of the Convention and its implementation by States

15. The more rapid rate of acceptance of the Convention is underlined. There are at present 87 States Parties (as of 1 April 1996), and in the light of the information provided by delegations during the debate and the indications at the subsequent Meeting of States Parties, 10 or more further ratifications/ accessions can be expected during 1996.

16. During the debate in the General Assembly, a number of delegations also reported on their recent legislation, including new legislation on fisheries, shipping, marine scientific research, marine pollution and the establishment of

contiguous zones. The Secretary-General notes that there is considerable value in Member States using the General Assembly item to announce any plans concerning acceptance of the Convention and related agreements, and to provide information on new or anticipated legislation and other relevant actions so that wide publicity can be given to the measures taken by States in the simplest and most direct manner.

D. The 1995 Agreement on fish stocks

17. The 1995 Agreement on fish stocks was opened for signature on 4 December 1995 and will remain open for 12 months thereafter. To date, it has received 31 signatures; no ratifications have been deposited as yet.

18. During the General Assembly debate, delegations stressed particularly the role of the Agreement in strengthening regional organizations and the need for a major follow-up effort in this regard; the overall importance of the Agreement for greatly strengthening enforcement possibilities under international law; and the importance of continued consideration, within the framework of the General Assembly item on the law of the sea, of all matters related to the conservation and management of marine living resources. Attention is also drawn to the several comments made with regard to the Agreement's enforcement provisions relative to the basic rule of flag State jurisdiction on the high seas, as well as the comprehensive dispute settlement procedures based on the Convention on the Law of the Sea.

E. Other issues in the conservation and management of marine living resources

19. Delegations reported on the adoption of new national legislation to promote observance of the global moratorium on large-scale pelagic drift-net fishing (General Assembly resolution 46/215) and, in one case, on steps taken to enable interception of fishing vessels on the high seas.

20. With respect to the issue of fisheries by-catch and discards, the view was expressed that FAO should deal with it because the problems involved were extremely technical and complex.

21. With respect to unauthorized fishing, several delegations attached considerable importance to the report to be prepared by the Secretary-General, under resolution 50/25, for the fifty-first session.

22. To underscore the need for follow-up action at the regional level to assure effective implementation of the 1995 Agreement on fish stocks, delegations reported on recent and upcoming developments in regions such as the Indian Ocean, the Atlantic and North Atlantic regions, and the South Pacific.

F. Setting up institutions created by the Convention

23. Governments were aware that developments in the setting up of the institutions under the Convention had been slow to progress, particular reference being made to the election of the Council of the Authority. Some delegations commented that the projected expenditures for the establishment of the Authority were too high. Continued concerns, as a matter of general principle, were also expressed with regard to its expenditures being met from the United Nations budget instead of by the States Parties to the Convention. The subsequent action by the General Assembly in dealing with the regular budget of the United Nations reduced the proposed budget of the Authority.

24. With respect to the Tribunal it was noted that it could be called upon to perform functions which no other existing international court or tribunal could perform under its current constituent instrument. The projected initial budget had been substantially reduced. It had been adopted subsequently and apportioned by States Parties among themselves. The Secretary-General would encourage the fullest use of the expertise being made available to the Tribunal from within the United Nations.

25. With respect to the Commission on the Limits of the Continental Shelf, it was pointed out that the agreed deferment by 10 months of the election of its members should not unduly affect States in the application of article 4 of annex II of the Convention, which requires a State seeking to establish the outer limit of its continental shelf beyond 200 nautical miles to submit its information to the Commission within 10 years of the entry into force of the Convention for that State.

G. Special issues

26. Attention was drawn to the references in the General Assembly resolution on the law of the sea linking the strategic importance of the Convention to chapter 17 on the oceans in Agenda 21 of the United Nations Conference on Environment and Development. This linkage is critical since it serves to strengthen international cooperation, especially in the area of marine environmental protection. It is important that States Parties continue to monitor closely developments within the purview of the Commission on Sustainable Development and their follow-up as regards its 1996 review of chapter 17 and assessment of its implementation.

27. Marine environmental issues continue to be of clear concern. During the 1995 General Assembly debate, particular attention was drawn once again to the ecological situation in the Black Sea, as well as to the Sea of Azov. Attention was drawn to the Washington Declaration and the Global Programme of Action adopted by the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, 7/ and to the efforts made to ensure that the Programme was a practical one. At its fifty-first session, the General Assembly will consider the proposals to be made by the Commission on Sustainable Development on the implementation of the Global Programme of Action, including the institutional framework required at the global level. The United Nations Environment

Programme (UNEP) will be primarily responsible for secretariat support to the Programme of Action.

28. The debate on the law of the sea was also an occasion for many States to call for the immediate cessation of all nuclear testing, and to enter their concerns as to the effects of nuclear-related activities on the marine environment generally. It was noted that at the regional level, States were increasingly seeking to restrict the transit of nuclear wastes and other nuclear materials by ship, particular reference being made to the recent Waigani Convention. 8/

29. Emphasis was placed in the debate on the clear need for even closer coordination of the work of the United Nations and the various United Nations agencies, especially on environment and development issues. Particular mention was made of the need to make the work of the IMO/FAO/UNESCO-IOC/WMO/WHO/IAEA/United Nations/UNEP Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) and the Administrative Committee on Coordination (ACC) Subcommittee on Oceans and Coastal Areas more effective.

30. Important developments following upon the fiftieth session are referred to below.

H. Work of the Division for Ocean Affairs and the Law of the Sea

31. The Secretary-General is pleased to note that during the debate States expressed their support for the work of the Division as fundamental to the smooth development of activities related to the Convention. Indeed, many delegations considered that the institutional capacity of the Organization should be continuously enhanced in this area. In addition to the establishment of the Commission on the Limits of the Continental Shelf, the continued role of the Division to provide the necessary support to the Authority and the Tribunal was noted. Besides the utility of its many work products, emphasis was placed upon the need to strengthen the database with up-to-date information on national legislation on law of the sea matters, to use the Internet for the rapid dissemination of information and to strengtnen the capacity to give technical and legal support to developing States to help them implement the Convention at the national level.

III. IMPORTANT DEVELOPMENTS AND EMERGING ISSUES

A. Institutional questions

1. Regular and periodic review of ocean issues

32. The impact of the entry into force of the Convention is perhaps most evident in the actions that have been taken to implement chapter 17 of Agenda 21. The entry into force of the Convention made it possible to conclude a binding legal agreement on the problems presented by straddling fish stocks and migratory fish stocks, an outcome which could not have been predicted during the negotiation of the relevant provisions of Agenda 21. It is also recognized

that the entry into force of the Convention has also provided a strong foundation for the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

33. The full impact of the Convention has yet to be felt, and the ability of the Organization to lend its fullest support to the ongoing implementation of chapter 17, as well as to the implementation of the Convention itself, has become a matter of considerable concern, seriously exacerbated by the further uncertainties caused by the current financial crisis of the United Nations and its effects on programme delivery.

34. It is important to note in this context also that many Governments attach considerable importance to the issue of regular comprehensive consideration of ocean issues to better serve the objective of ensuring effective implementation of the Convention or of chapter 17 of Agenda 21. The Secretary-General would recall that chapter 17 of Agenda 21 is based upon the Convention (para. 17.1) and that its call on the General Assembly to provide for regular consideration of "general marine and coastal issues, including environment and development matters" (para. 17.117, chapeau) reflects, inter alia, the long-standing recognition that all ocean issues are interrelated and need to be treated as a whole.

35. The need for periodic intergovernmental review of issues concerning marine environmental protection and resource conservation and management was discussed by the Commission on Sustainable Development at its fourth session (18 April-3 May 1996) in connection with the implementation of programme area F of chapter 17, which deals with institutional aspects. The Commission concluded that it should conduct a periodic overall review of all aspects of the marine environment, for which the overall legal framework is provided by the Convention, and that the General Assembly should consider the results of these reviews under an agenda item entitled "Oceans and law of the sea".

36. The Secretary-General is of the view that this decision of the Commission on Sustainable Development holds particular importance for States Parties to the Convention and for the competent international organizations under the Convention, since the results of an in-depth periodic review of a substantial portion of ocean issues - those dealing with environmental and resource matters - will greatly enhance the regular annual consideration of ocean issues by the General Assembly. The Secretary-General would note, however, that the current financial crisis may inhibit the ability of the Organization to provide the necessary support for the greatly enhanced monitoring, assessment and advisory functions that would be required.

2. Inter-agency cooperation

37. Both in the General Assembly debate on the law of the sea and in the Commission on Sustainable Development, considerable emphasis has been placed on the need to strengthen substantially existing inter-agency mechanisms, with particular reference to the ACC Subcommittee on Oceans and Coastal Areas and GESAMP. 10/

38. The outcome of the Washington Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities has also contributed to the growing interest in having more effective inter-agency mechanisms and coherent intergovernmental arrangements for the consideration of ocean-related issues from cross-sectoral and multidisciplinary perspectives. The Secretary-General wishes to emphasize that a very important objective, in both contexts, is to strengthen the implementation of the Convention and promote the harmonized development of law and policy within its framework.

39. Considering the particular importance of the Washington Global Programme of Action for strengthening the implementation of the Convention and of agreements related to it, including in particular regional agreements and arrangements, the Division for Ocean Affairs and the Law of the Sea will cooperate closely with UNEP and with the other international organizations concerned in the implementation of the Programme.

B. Emerging issues

1. Protection of the underwater cultural heritage

40. The 1995 report of the Secretary-General on the law of the sea 11/ had called attention to the work so far undertaken by UNESCO on the possible drafting of an international standard-setting instrument for the protection of the underwater cultural heritage. Subsequently, at its twenty-eighth session, the UNESCO General Conference adopted resolution 7.6 in which it recognized the need for a full discussion of not only the technical, but also the jurisdictional aspects of the subject. It called upon UNESCO to consult with the United Nations on law of the sea matters, as well as with IMO on such aspects as salvage, and to organize a meeting of experts. 12/ Comments will be invited on their findings, and a final report submitted to the General Conference at its twenty-ninth session in 1997, for it "to determine whether it is desirable for the matter to be dealt with on an international basis and on the method which should be adopted for this purpose".

2. Marine and coastal biodiversity

41. The 1995 report of the Secretary-General (paras. 203-204) had also drawn the attention of Member States to recent developments in the field of marine and coastal biodiversity and to the implications for the law of the sea.

42. Subsequently the Second Meeting of the Conference of Parties to the Convention on Biological Diversity (6-17 November 1995) declared a new global consensus on the importance of marine and coastal biological diversity, adopting decision II/10 on the "Conservation and sustainable use of marine and coastal biological diversity", and also urging parties, in its Jakarta Ministerial Statement on the Implementation of the Convention, to initiate immediate action to implement the decisions adopted on this issue. 13/

43. In decision II/10, in paragraph 12, the Conference of Parties requests the secretariat of the Convention on Biological Diversity, in consultation with the Division for Ocean Affairs and the Law of the Sea of the United Nations, "to undertake a study of the relationship between the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea with regard to the conservation and sustainable use of genetic resources on the deep seabed, with a view to enabling the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to address at future meetings, as appropriate, the scientific, technical and technological issues relating to bio-prospecting of genetic resources on the deep seabed".

44. Furthermore, in paragraph 13 of the decision, the Conference calls on "international and regional bodies responsible for legal instruments, agreements and programmes" which address relevant activities "to review their programmes with a view to improving existing measures and developing new actions which promote conservation and sustainable use of marine biological diversity", to report regularly to the Conference of Parties and to cooperate with SBSTTA in planning and implementing programmes. The Division is listed in this group along with a wide array of organizations, including the General Assembly itself. It is the intention of the Secretary-General to include in the scope of his report under paragraph 19 of General Assembly resolution 49/28 14/ a more comprehensive treatment of the subject of marine biodiversity and of the relationship between the Convention on the Law of the Sea and the Convention on Biological Diversity, going beyond the immediate issue of concern to the Conference of Parties to the latter Convention, namely, genetic resources of the deep seabed.

45. Attention is also drawn to decision II/14 of the Conference of Parties to the Biodiversity Convention, on the convening of an open-ended intergovernmental workshop on cooperation between the Convention and other international conventions on related issues, one purpose being to identify commonalities which would facilitate information exchange through the clearing-house mechanism and help the parties to prepare "appropriate and integrated national legislation on biodiversity matters".

46. It is important that States Parties be aware of these developments, in a timely way, considering also that the above-mentioned intergovernmental working group will meet in May 1996 along with the SBSTTA group working on marine and coastal biodiversity. The Secretary-General would urge States, particularly States Parties to the Law of the Sea Convention which are also parties to the Convention on Biological Diversity, to coordinate their activities particularly with respect to the conduct of reviews of the relationship between the two conventions, the identification of additional measures that may need to be taken, including the possible development of new or additional international rules, and to facilitating the adoption of appropriate national legislation relevant to the conservation of marine and coastal biodiversity, consistent with both conventions, as well as with relevant regional agreements.

3. Rules of origin

47. The entry into force of the Convention has brought new attention to all areas affected, or potentially affected, by the law of the sea. For example, new attention is now focused by the World Trade Organization (WTO) and the World Customs Organization on the possible need to formulate special provisions as to "rules of origin" to deal with products (both living and non-living) originating or derived from the various maritime zones. In addition to clarifying the concepts and the jurisdictional aspects of the territorial sea, the high seas, the continental shelf, the exclusive economic zone and the international seabed area, the Division for Ocean Affairs and the Law of the Sea has brought a broad range of issues to the attention of the Technical Committee of the World Customs Organization and the WTO Committee on Rules of Origin, which are charged with further legal development under the Agreement on Rules of Origin.

IV. CONCLUSIONS AND SUGGESTIONS

48. The present period is of particular significance for the future of international cooperation in ocean affairs. Efforts to quickly adjust, consolidate and strengthen international law and policy on ocean issues must be supported in a number of intergovernmental forums, including conferences of parties to conventions and such bodies as the Commission on Sustainable Development. Continuous attention is required by States Parties and the Secretary-General to ensure the pre-eminence of the Convention in all aspects of the law of the sea and its strategic role as "a framework for national, regional and global action in the marine sector" (General Assembly resolution 50/23, preamble).

49. As stressed in the introduction to the 1995 annual report, uncertainties or inconsistencies in the choice of the appropriate forum to deal with an issue can create problems for effective coordination between and among the United Nations and competent international organizations, and impede the harmonized development of international law relating to the oceans. As the Secretary-General concluded in the report, it is timely for Member States to consider further how best to fulfil the oversight role of the General Assembly, bearing in mind that that might entail frequent consideration of the implementation of important related conventions and instruments, as well as the Convention on the Law of the Sea. This conclusion has been further highlighted by the recent decision of the Commission on Sustainable Development to recommend periodic in-depth review of marine environmental and resource development issues (see paras. 34-36 above).

50. Governments are urged to ensure that national delegations to the various intergovernmental forums where law of the sea issues arise adopt a consistent approach to Convention-related matters and take appropriate action, where necessary, to promote implementation of the General Assembly resolutions dealing with the law of the sea, and so facilitate the harmonious development of international ocean law and policy. The Secretary-General will make every endeavour to facilitate this process as resources permit.

51. Current examples of the issues which need coordinated and consistent approaches to international legal development relating to the Convention,

concern, as discussed in paragraphs 40 to 47 above, the protection of the underwater cultural heritage, marine and coastal biodiversity, including access to deep-sea genetic resources, and the uniform rules of origin. Particular issues will arise for States Parties to the Convention on the Law of the Sea which are also parties to conventions dealing with such matters or which are members of the bodies dealing with such issues. It may be observed in this connection that a number of conventions on the environment, including particularly regional agreements, provide the channel through which States Parties implement their obligations under the Convention on the Law of the Sea.

52. It is apparent that in the present period activities in the field of ocean affairs are increasing throughout the international system, many clearly strengthened by the entry into force of the Convention. The Secretary-General anticipates that the results of the various reviews and assessments of the implications and impacts of the Convention, requested under General Assembly resolution 49/28 (paras. 18-20), 15/ will form a collective work of the United Nations system. It should yield important guidance for States Parties to the Convention and the General Assembly and provide the basis for a new strategic plan for the effective implementation of the Convention across a broad range of issues.

53. The comprehensiveness of the report to be prepared by the Secretary-General under paragraph 19 of resolution 49/28 will depend greatly on the timing and extent of the work done by international organizations in response to the call by the General Assembly. Considering also that many organizations have experienced delays in conducting the kind of wide-ranging and in-depth reviews and assessments required, it may not be possible for the Secretary-General to present the report in complete form at the fifty-first session..

54. With regard to the Secretary-General's annual report on the law of the sea to the General Assembly, the Assembly expressed a clear preference for having it available well in advance of the General Assembly session to allow proper consideration of the issues. Emphasis was also placed on the need for the Secretary-General to offer suggestions for possible action by the Assembly, and in this respect attention is drawn to paragraph 15 (b) of resolution 49/28 whereby the Secretary-General is requested to formulate "recommendations for the consideration of, and for action by, the Assembly or other appropriate intergovernmental forums". The Secretary-General wishes to note that while the comprehensive nature of his annual report requires him to submit it in the middle of the General Assembly session, the heavy demand on documentation relating to other priority items has often prevented it from being issued sufficiently in advance of the debate on the law of the sea item. As a practical measure every effort will be made to circulate the report of the Secretary-General before the commencement of the session of the Assembly, and to issue addenda subsequently, updating its information as necessary.

55. It is suggested that the future reports of the Secretary-General under article 319 focus on the identification and appropriate treatment of issues of particular importance to States Parties and competent international organizations, and so facilitate the subsequent consideration of these issues by the General Assembly. It would not be the purpose of the article 319 report,

however, to replace the Secretary-General's annual report to the General Assembly, which gives the comprehensive overview of all relevant developments.

Notes

1/ A/50/713 and Corr.1.

2/ A/50/550.

3/ A/50/553; A/50/549; A/50/552.

4/ This is in accordance with the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of December 1982, annex, sect. 1, para. 14.

5/ As the General Assembly in resolution 50/23 specifically recalled resolution 49/28, adopted consequent upon the entry into force of the Convention on 16 November 1994, it did not need to reiterate the continuing mandate of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs as set forth in the latter resolution.

6/ A similar recommendation on the coordination of national policy was made to the Commission on Sustainable Development in the report of the Secretary-General on chapter 17 of Agenda 21 (E/CN.17/1996/3, para. 24 (a)).

7/ See A/51/116.

8/ Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, adopted at the twenty-sixth South Pacific Forum and opened for signature on 16 September 1995.

9/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

10/ GESAMP will begin this year to prepare a new report on the state of the marine environment.

11/ A/50/713 and Corr.1, paras. 228-231.

12/ The first meeting of experts is scheduled to be held in Paris from 22 to 24 May 1996.

13/ Repprt of the Second Meeting (UNEP/CBD/COP/2/19, annex II), 30 November 1995. In the decision the Conference Parties take note of the FAO Code of Conduct for Responsible Fisheries, the 1995 Agreement on fish stocks and the Washington Declaration and Global Programme of Action on Land-based Activities and support their implementation in ways that are consistent with the Convention on Biological Diversity. Decision II/10 based itself on

recommendation I/8 adopted by the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) at its first meeting (UNEP/CBD/COP/2/5), which was reported on in the 1995 annual report of the Secretary-General. It carries also an annex I which presents "Additional conclusions" on recommendation I/8, and an annex II which presents a "Draft programme for further work on marine and coastal biological diversity".

14/ General Assembly resolution 49/28, paragraphs 18, 19 and 20, reads as follows:

"18. Invites the competent international organizations to assess the implications of the entry into force of the Convention in their respective fields of competence and to identify additional measures that may need to be taken as a consequence of its entry into force with a view to ensuring a uniform, consistent and coordinated approach to the implementation of the provisions of the Convention throughout the United Nations system;

"19. Requests the Secretary-General to prepare a comprehensive report on the impact of the entry into force of the Convention on related existing or proposed instruments and programmes throughout the United Nations system, and to submit the report to the Assembly at its fifty-first session;

"20. Invites the competent international organizations, as well as development and funding institutions, to take specific account in their programmes and activities of the impact of the entry into force of the Convention on the needs of States, especially developing States, for technical and financial assistance, and to support subregional or regional initiatives aimed at cooperation in the effective implementation of the Convention."

15/ Resolution 49/28, paras. 18-20 (see note 14 above).

Annex

LIST OF MAIN DOCUMENTS

I. BASIC DOCUMENTS

The Law of the Sea: United Nations Convention on the Law of the Sea, with index and Final Act of the Third United Nations Conference on the Law of the Sea (United Nations publication, Sales No. E.83.V.5)*

1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. In: Annex to General Assembly resolution 48/263, adopted on 28 July 1994. In: A/RES/48/263. Also in: Law of the Sea Bulletin, Special Issue IV (November 1994).*

General Assembly resolutions 49/28 and 50/23. Law of the Sea. Adopted on 6 December 1994 and 5 December 1995, respectively, In: A/RES/49/28 and A/RES/50/23.

1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. In: A/50/550, annex I, and In: A/CONF.164/37.

Resolutions adopted by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. In: A/50/550, annex II and In: A/CONF.164/38, annex.

II. DOCUMENTS OF THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY

General Assembly debate

A/50/PV.80 and 81 — 80th and 81st plenary meetings, 5 December 1995. Agenda item 39, "Law of the sea": report of the Secretary-General (A/50/713 and Corr.1); draft resolution (A/50/L.34). Agenda item 96, "Environment and sustainable development: sustainable use and conservation of the marine living resources of the high seas" reports: of the Secretary-General (A/50/549, A/50/550, A/50/552, A/50/553); draft resolutions (A/50/L.35, A/50/L.36).

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* The Convention will be reissued in due course in a single publication together with the 1994 Agreement on Part XI and an expanded Index.

Resolutions

A/RES/50/23 Law of the sea. Adopted on 5 December 1995.

A/RES/50/24 Agreement for the implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Adopted on 5 December 1995.

A/RES/50/25 Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources. Adopted on 5 December 1995.

Reports of the Secretary-General

A/50/713 and Corr.1 Law of the sea.

A/50/549 Environment and sustainable development: sustainable use and conservation of the marine living resources of the high seas: Unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas.

A/50/550 Environment and sustainable development: sustainable use and conservation of the marine living resources of the high seas: United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

(Annex I contains the 1995 Agreement; annex II contains resolutions I and II of the Conference.)

A/50/552 Environment and sustainable development: sustainable use and conservation of the marine living resources of the high seas: fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources.

A/50/553 Environment and sustainable development: sustainable use and conservation of the marine living resources of the high seas: large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas.

Submissions by Member States under agenda item 39 on the law of the sea

A/50/98 S/1995/252	By Spain.
A/50/216 S/1995/476	By Greece.
A/50/256 S/1995/505	By Turkey.
A/50/264 S/1995/526	By Greece.
A/50/279 S/1995/568	By Turkey.
A/50/303 S/1995/603	By Greece.
A/50/339 S/1995/667	By Turkey.
A/50/385	By Yugoslavia.
A/50/754	By the Russian Federation.
A/50/809	By Turkey.

Other documents relating, inter alia, to agenda item 39 on the law of the sea

A/50/425
S/1995/787 — Final Declaration of the Ninth Meeting of Heads of State and Government of the Rio Group (Quito Declaration), held in Quito on 4 and 5 September 1995. Submitted by Ecuador.

A/50/475 — Communiqué of the Twenty-sixth South Pacific Forum, held at Madang, Papua New Guinea, from 3 to 15 September 1995. Submitted by Papua New Guinea.

A/50/518 — Ministerial Declaration of the Group of 77, adopted on 29 September 1995. Submitted by the Philippines.

A/50/673 — Cooperation resulting from the summit meetings of the Ibero-American Conference. (Bariloche Declaration). Submitted by Argentina.

A/50/752
S/1995/1035 — Eleventh Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held in Cartagena de Indias, Colombia, 18-20 October 1995. Submitted by Colombia.

Programme budget documents

A/C.5/50/28 — Proposed programme budget for the biennium 1996-1997: Revised estimates for the International Seabed Authority for 1996. Report of the Secretary-General.

A/50/842 — Proposed programme budget for the Biennium 1996-1997: Report of the Fifth Committee.

III. DOCUMENTS OF THE FIFTY-FIRST SESSION OF THE GENERAL ASSEMBLY

A/51/57 — Submission by the Russian Federation under the agenda item on the law of the sea.

A/51/116 — Note verbale dated 5 March 1996 from the United States Mission to the United Nations addressed to the Secretary-General.

IV. MAIN DOCUMENTS OF THE UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Basic documents

A/50/550	Report of the Secretary-General, containing the Agreement and the resolutions adopted by the Conference.
A/CONF.164/37	Final edited text of the Agreement.
A/CONF.164/38	Text of the Final Act of the Conference.

Reports of the sessions of the Conference

A/CONF.164/9	Report of the first (organizational) session of the Conference (19-23 April 1993).
A/CONF.164/16 and Corr.1	Report of the second session (12-30 July 1993).
A/CONF.164/20	Report of the third session (14-31 March 1994).
A/CONF.164/25	Report of the fourth session (15-26 August 1994).
A/CONF.164/29	Report of the fifth session (27 March-12 April 1995).
A/CONF.164/36	Report of the sixth session (24 July-4 August 1995).

Documents submitted by the Chairman of the Conference

A/CONF.164/7, 8, 11, 12, 15, 17, 19, 21, 24, 26, 28, 30 and 35	Statements by the Chairman.
A/CONF.164/10	A guide to the issues before the Conference.

Other documents

A/CONF.164/L.1 to L.50	Proposals and other communications submitted by delegations.
A/CONF.164/INF/2, 3, 4 and Corr.1, 5, 8 and 9	Reports and other studies submitted by the Secretariat, FAO and IOC.
A/CONF.164/INF/6, 10 and 13	Reports and comments submitted by intergovernmental organizations, regional and subregional fisheries organizations and arrangements.
A/CONF.164/INF/16 and Corr.1	List of documents of the Conference.

V. DOCUMENTS OF THE MEETING OF STATES PARTIES (SPLOS)

Basic documents

SPLOS/1/Rev.1	Agenda for the Meeting of States Parties.
SPLOS/2/Rev.3	Rules of Procedure for Meetings of States Parties.

Reports of the meetings of States Parties

SPLOS/3	Report of the first meeting of States Parties (21-22 November 1994)
SPLOS/4 and Corr.1	Report of the second meeting of States Parties (15-19 May 1995).
SPLOS/5	Report of the third meeting of States Parties (27 November-1 December 1995).
SPLOS/8	Report of the fourth meeting of States Parties (4-8 March 1996).

Other documents

SPLOS/WP.3/Rev.1	Revised budget estimates for the International Tribunal for the Law of the Sea covering the period 1996-1997.
SPLOS/L.1	Decisions of the Meeting of States Parties on budgetary matters (adopted on 8 March 1996).
SPLOS/L.2	Schedule for the nomination and election of the members of the Commission on the Limits of the Continental Shelf. Note by the Secretariat.

VI. UNITED NATIONS SALES PUBLICATIONS ON THE LAW OF THE SEA (1994-1995)

The law of the sea: marine scientific research - legislative history of article 246 of the United Nations Convention on the Law of the Sea (1994). Sales No. E.94.V.9 (English, French, Spanish).

The law of the sea: a select bibliography - 1993 (1994). Sales No. E.94.V.10 (English only).

The law of the sea: practice of States at the time of entry into force of the United Nations Convention on the Law of the Sea (1994). Sales No. E.94.V.13 (English, French, Spanish).

The law of the sea: national legislation on the territorial sea, the right of innocent passage and the contiguous zone (1995). Sales No. E.95.V.7 (English, French, Spanish).

The law of the sea: current developments in State practice (No. IV) (1995). Sales No. E.95.V.10 (English, French, Spanish).

The law of the sea: a select bibliography - 1994 (1995). Sales No. E.95.V.11 (English only).

The law of the sea: conservation and utilization of the living resources of the exclusive economic zone - legislative history of articles 61 and 62 of the United Nations Convention on the Law of the Sea (1995). Sales No. E.95.V.21 (English, French, Spanish).

VII. LAW OF THE SEA INFORMATION CIRCULARS AND LAW OF THE SEA BULLETINS (1994-1995)

Law of the Sea Information Circulars (English, French and Spanish): No. 1 (June 1995); No. 2 (October 1995).

Law of the Sea Bulletins (English, French and Spanish)*: No. 25 (June 1994); No. 26 (October 1994); Special Issue IV (November 1994); No. 27 (June 1995); No. 28 (June 1995); No. 29 (October 1995).

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* As of 1995, the English version of the Law of the Sea Bulletin is available only on a subscription basis ($37.50 per year (three issues)). French and Spanish versions continue to be distributed free of charge, as in the past.

VIII. PREPARATORY COMMISSION FOR THE INTERNATIONAL SEABED AUTHORITY AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Reports of the Plenary and the Special Commissions

LOS/PCN/152 (Vol. I)	Report of the Preparatory Commission under paragraph 10 of resolution I containing recommendations for submission to the Meeting of States Parties to be convened in accordance with annex VI, article 4, of the Convention regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea. [Report and addenda thereto]
LOS/PCN/152 (Vol. II)	Documents of Special Commission 4.
LOS/PCN/152 (Vol. III)	Documents of Special Commission 4.
LOS/PCN/152 (Vol. IV)	Plenary documents of particular relevance to Special Commission 4.
LOS/PCN/153	Report of the Preparatory Commission under paragraph 11 of resolution I of the Third United Nations Conference on the Law of the Sea, on all matters within its mandate, except as provided in paragraph 10, for presentation to the Assembly of the International Seabed Authority at its first session. (Index to LOS/PCN/153 (Vols. I-XIII).)
LOS/PCN/153 (Vol. I)	Provisional final report of the Plenary and documents relevant to the implementation of resolution II (Plenary).
LOS/PCN/153 (Vol. II)	Documents relevant to the implementation of resolution II (Plenary).
LOS/PCN/153 (Vol. III)	Documents relevant to the implementation of resolution II (General Committee) (except those relating to training).
LOS/PCN/153 (Vol. IV)	Documents relevant to the implementation of resolution II (General Committee). Documents relating to Training. (Part 1) Final report of the Training Panel to the General Committee of the Preparatory Commission (LOS/PCN/BUR/R.48 and Corr.1 (Russian only)). (Part 2) Documents issued after the twelfth session of the Preparatory Commission (up to March 1995).

LOS/PCN/153 (Vol. V)	Final draft rules of procedure for the organs of the Authority; final draft relationship agreements of the Authority; documents of the Finance Committee; on the administrative arrangements, structure and financial implications of the Authority and the draft budget for the first financial period of the International Seabed Authority.
LOS/PCN/153 (Vol. VI)	Provisional report of Special Commission 1 and statements to the Plenary by the Chairman of Special Commission 1 on the progress of work in that Commission.
LOS/PCN/153 (Vol. VII)	Working papers of Special Commission 1 (LOS/PCN/SCN.1/WP.1 to LOS/PCN/SCN.1/WP.2/Add.5).
LOS/PCN/153 (Vol. VIII)	Working papers of Special Commission 1 (LOS/PCN/SCN.1/WP.2/Add.6 to LOS/PCN/SCN.1/WP.15).
LOS/PCN/153 (Vol. IX)	Conference room papers of Special Commission 1.
LOS/PCN/153 (Vol. X)	Part One. Provisional final report of Special Commission 2. Part Two. Statements to the Plenary by the Chairman of Special Commission 2 on the progress of work in that Commission. Part Three. Other documents relating to the work of Special Commission 2.
LOS/PCN/153 (Vol. XI)	Part One. Working papers of Special Commission 2. Part Two. Conference room papers of Special Commission 2.
LOS/PCN/153 (Vol. XII)	Statements to the Plenary by the Chairman of Special Commission 3 on the progress of work in that Commission in preparing draft rules, regulations and procedures for the exploration and exploitation of polymetallic nodules in the Area.
LOS/PCN/153 (Vol. XIII)	Part 1. Draft final report of Special Commission 3 (LOS/PCN/SCN.3/CRP.17 and LOS/PCN/SCN.3/CRP.17/Add.1) and amendments and comments relating to the draft final report (CRP.18, CRP.19, CRP.20 and CRP.21). Part 2. Draft provisional final report of Special Commission 3 (chapter IV of LOS/PCN/130 - Consolidated provisional final report of the Preparatory Commission, vol. I).

IX. MAIN DOCUMENTS OF THE INTERNATIONAL SEABED AUTHORITY

First session of the Assembly
(16-18 November 1994,
27 February-17 March 1995,
7-18 August 1995)

ISBA/A/4	Agenda of the Assembly, adopted on 28 February 1995.
ISBA/A/6	Rules of procedure of the Assembly, adopted on 17 March 1995.
ISBA/A/L.1/Rev.1 and Corr.1	Statement of the President of the Assembly on the work of the Assembly.
ISBA/A/L.3 and Corr.1	Statement of the President on the work of the Assembly.
ISBA/A/L.5	Draft decision by the Assembly. Submitted by the President.
ISBA/A/L.6	Statement by the Rapporteur-General of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, presenting the Final Report of the Preparatory Commission (LOS/PCN/153).
ISBA/A/L.7	Statement of the President on the work of the Assembly.
ISBA/C/1	Provisional agenda of the Council.

First part of the second session of the Assembly
(11-22 March 1996)

ISBA/A/L.8 and Corr.1	Composition of the First Council of the International Seabed Authority.
ISBA/A/L.9	Statement of the President on the work of the Assembly during the first part of the second session.